

# Notice of Allowability

Application No.

10/662,690

Applicant(s)

PEREZ, RICARDO MARTINEZ

Examiner

John Chavis

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 2/20/07.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") ~~must be~~ submitted ON 10/14/03 have been approved by the examiner.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



JOHN CHAVIS  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2100

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows to circumvent potential 35 USC 101 issues:

16. (Currently Amended) A computer ~~usable~~ storage medium including a program to allocate memory in a wireless communication system, comprising: computer program code to load an application into a wireless communication device; computer program code to compile at least a portion of the application into native instructions; computer program code to determine a runtime sensitivity of the native instructions; computer program code to determine availability of internal memory; and computer program code to insert at least a portion of the native instructions into the internal memory at runtime based on the determined availability of internal memory and the runtime sensitivity determination.

17. (Currently Amended) The computer ~~usable~~ storage medium of claim 16 wherein computer program code to compile at least a portion of the application into native instructions comprises computer program code to pass the application through a just-in-time compiler, the just-in-time compiler adapted to detect runtime sensitivity of the native instructions.

18. (Currently Amended) The computer ~~usable~~ storage medium of claim 16 further comprising: computer program code to add de-referencing code to the compiled application, wherein the de-referencing code allows an application loader to insert a portion of the compiled application into the available internal memory prior to executing the application.

19. (Currently Amended) The computer ~~usable~~ storage medium of claim 16 further comprising: computer program code to construct a de-referencing table; and computer program code to attach the de-referencing table to the compiled application, wherein the de-referencing table includes memory location information and memory size information associated with the portion of the native instructions to be inserted into the internal memory prior to executing the application.

20. (Currently Amended) The computer ~~usable~~ storage medium of claim 16 further comprising: computer program code to update a pseudo-cache table, the pseudo-cache table including memory location information and memory size information associated with the portion of the native instructions inserted into the internal memory.

21. (Currently Amended) The computer ~~usable~~ storage medium of claim 16

further comprising: computer program code to execute the compiled application.

22. (Currently Amended) The computer ~~usable~~ storage medium of claim 16 further comprising: computer program code to relinquish the internal memory having the inserted native instructions when the compiled application has been executed.

23. (Currently Amended) The computer ~~usable~~ storage medium of claim 16 further comprising: computer program code to update a pseudo-cache location indicator, the pseudo-cache location indicator including an address of an available pseudo cache allocated to the inserting of the native instructions at runtime.

24. (Currently Amended) The computer ~~usable~~ storage medium of claim 16 further comprising: computer program code to update a pseudo-cache size indicator, the pseudo-cache size indicator including a number of bytes available in a pseudo cache.

25. (Currently Amended) A wireless communication device, comprising a processor with: means for loading an application into the wireless communication device; means for compiling at least a portion of the application into native instructions; means for determining a runtime sensitivity of the native instructions;

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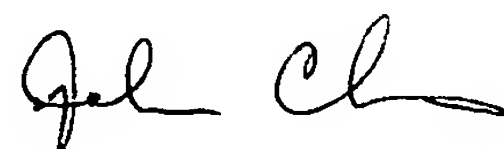
means for determining availability of internal memory; and means for inserting at least a portion of the native instructions into the internal memory at runtime based on the determined availability of internal memory and the runtime sensitivity determination.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC



John Chavis  
Primary Examiner AU-2193